

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

TRACI FERRELL, as Administrator of the)
ESTATE OF AUSTIN STEWART FERRELL,)
Plaintiff,)

v.)

No. 5:15-CV-677-BO

THE TOWN OF LILLINGTON, DAVID)
KIRKLAND and SOONAOSO J. LETULI, both)
Individually and in their Official Capacity as Police)
Officers for the Town of Lillington,)
Defendants.)

AUTUMN ZIMMER and JEFF ZIMMER,)
Plaintiffs,)

v.)

No. 5:16-CV-892-BO

THE TOWN OF LILLINGTON, DAVID)
KIRKLAND and SOONAOSO J. LETULI, both)
Individually and in their Official Capacity as Police)
Officers for the Town of Lillington,)
Defendants.)

MARINA TROYANO and MICHELLE)
TROYANO)
Plaintiffs,)

v.)

No. 5:16-CV-893-BO

THE TOWN OF LILLINGTON, DAVID)
KIRKLAND and SOONAOSO J. LETULI, both)
Individually and in their Official Capacity as Police)
Officers for the Town of Lillington,)
Defendants.)

ORDER

These causes come before the Court on plaintiffs' motion to consolidate and proposed case management plan. The parties agree that the cases should be consolidated for purposes of fact discovery. Plaintiffs and defendants disagree as to whether consolidation for purposes of expert discovery should be allowed.

The parties having demonstrated that these matters involve common questions of law and fact, the Court has determined that consolidation for purposes of fact and expert discovery is appropriate. *See* Fed. R. Civ. P. 42(a). The motions to consolidate are therefore GRANTED. The schedules and deadlines provided in the *Zimmer* and *Troyano* cases shall control in all three actions. Importantly, fact discovery in these matters shall be conducted to conclude on August 1, 2017, expert discovery shall conclude on January 31, 2018, and potentially dispositive motions shall be filed not later than February 15, 2018. Further, plaintiffs' designated expert in *Zimmer* and *Troyano* shall be permitted to serve as their expert in all three cases.¹

CONCLUSION


For the foregoing reasons, the motions to consolidate are GRANTED. The schedules and deadlines provided in the *Zimmer* and *Troyano* cases shall control in all three actions.

To promote efficiency, any discovery motions and all potentially dispositive motions shall be filed in *Troyano*, No. 5:16-CV-893-BO, and motions shall list all three cases in the caption. The Court will address the issue of consolidation for trial after dispositive motions have been decided. The clerk is DIRECTED to file a copy of this order in each case and to make a

¹ Plaintiffs' motion to designate expert filed in *Zimmer* and *Troyano* seeks no relief and the clerk is therefore directed to terminate the motion as pending.

notation on the *Ferrell* and *Zimmer* dockets that future filings will be made in the *Troyano* action.

SO ORDERED, this 10 day of May, 2017.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE